

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

LEKYNA TAYLOR,)
Plaintiff,) Case No.: 3:22-cv-00015
v.) Removed from Circuit Court of Richmond
GREENWOOD MOTOR LINES, INC, et al.,) City, Virginia; CL20006503
Defendants.)

NOTICE OF REMOVAL

COME NOW Defendants Greenwood Motor Lines, Inc. d/b/a R+L Carriers (“Greenwood”) and Paul Alan Vanderwerken (“Vanderwerken” improperly spelled Van Der Werken), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and hereby remove this case from the Circuit Court of Richmond City, Virginia, where it is now pending as Case Number CL20006503, to the United States District Court for the Eastern District of Virginia, and as grounds therefore say as follows:

A. Facts Supporting Removal

1. Plaintiff Lekyna Taylor commenced this personal injury action against Greenwood, Vanderwerken, R&L Transfer, LLC, R&L Transfer, Inc., and fictitious John Doe on December 23, 2020, by filing a Civil Cover Sheet and Complaint in the Circuit Court of Richmond City.

2. True and correct copies of the state record, including all process, orders, and other papers served on Defendants, as of the date of this removal are collectively attached as **Exhibit 1**.

3. Service of process on Greenwood and Vanderwerken was completed by acceptance of service by counsel on December 17, 2021. Ex. 1 at Pg. 18, Proof of Service.

4. On December 22, 2021, Plaintiff filed a motion to nonsuit defendants John Doe, R&L Transfer, LLC, and R&L Transfer, Inc. before said defendants were served. Ex. 1 at Pg. 13.

5. Removal is timely under 28 U.S.C. § 1446(b)(1) because this Notice is filed within thirty days of receipt by any defendant, through service, of Plaintiff's Complaint.

B. Legal Basis and Jurisdiction

6. Pursuant to 28 U.S.C. § 1332(a)(1), federal subject matter jurisdiction exists here because all remaining defendants properly joined are completely diverse from the Plaintiff, and the amount in controversy, exclusive of interest and costs, is greater than \$75,000.

7. Plaintiff is a resident citizen of Alabama. Ex. 1 at Pg. 2, Complaint at ¶ 1.

8. Greenwood is a corporation organized under the laws of the State of South Carolina with its principle place of business in Ohio. Thus, for diversity jurisdiction purposes, Greenwood is a citizen of South Carolina and Ohio. 28 U.S.C. § 1332(c)(1).

9. Vanderwerken is an individual whose permanent domicile is in Tennessee. Ex. 1 at Pg. 3, Complaint at ¶ 5. Thus, for jurisdiction purposes, Vanderwerken is a citizen of Tennessee.

10. Plaintiff nonsuited defendants John Doe, R&L Transfer, LLC, and R&L Transfer, Inc. before they were served, so their citizenship is not considered for diversity jurisdiction.

11. Plaintiff's case arises out of a December 28, 2018, motor vehicle accident on Interstate-81 in Rockbridge County, Virginia. *Id.* at Pg. 3, Complaint at ¶ 9.

12. As a result of the accident, Plaintiff alleges that she suffered multiple, serious injuries. *Id.* at Pg. 4, Complaint at ¶ 16. Plaintiff seeks compensatory damages for permanent and nonpermanent bodily injuries, out of pocket expenses and damages, and past, present, and future physical pain, mental anguish, inconvenience, deformity and disfigurement, medical expenses, lost earnings, and diminished earning capacity. *Id.* at Pg. 6, Complaint at ¶ 23.

13. Plaintiff's Complaint demands Five Hundred Thousand Dollars (\$500,000.00) in compensatory damages. *Id.* at Pg. 6, Complaint *ad damnum* clause.

D. All Other Removal Requirements Satisfied.

14. All remaining named Defendants consent to the removal of this action.
15. A copy of the Notice to State Court of Removal that is being filed with the clerk of

Circuit Court of Richmond City, Virginia, is attached as **Exhibit 2**.

16. Defendants submit this Notice of Removal without waiver of any defenses.

WHEREFORE, Defendants pray that this action proceed in this Court as an action properly removed thereto.

Respectfully submitted this the 7th day of January, 2022.

/s/ Dov M. Szego

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and Paul Alan Vanderwerken

CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2022, the following document was filed electronically using the Court's CM/ECF system and served on the following via U.S. Mail postage prepaid and electronic mail addressed as follows:

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/s/ Dov M. Szego
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